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EXAMINER

MALHOTRA, SANJEEV

ART UNIT PAPER NUMBER

3694

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,668

Applicant(s)

DHARAM, PAL

Examiner

Sanjeev Malhotra

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the first Office Action in response to the application filed on April 8th, 2005 and titled: "An On-Line Payment Method".

Oath/Declaration Objections

2. The Oath signed on March 12, 2005 by the inventor, "PAL, DHARAM", in India is objected to as being informal. It lacks authentication by a diplomatic or consular officer of the United States; 37 CFR 1.66(a). This informality can be overcome by filing either a declaration under 37 CFR 1.68, or a new properly authenticated oath under 37 CFR 1.66. Examiner also notes that no line/row in the upper right hand box has been filled-in, including the Inventor's Name, in the instant Oath filed to the Office. The new Oath or Declaration must properly identify the application of which it is to form a part, preferably by application number and filing date, in the body of the Oath or Declaration. See MPEP §§ 602.01 and 602.02. The Examiner also notes that the given name and the family name (surname) seem to have been reversed by the Applicant/ Inventor in the instant Oath (please see comments below also).

Appropriate correction is required.

3. The Examiner notes that the "Power of Attorney and Correspondence Address Indication Form" has been signed by the Applicant/Inventor on March 12, 2005 as "DHARAM PAL", which has reversed the given name and family

name (surname) from the current Oath signed on the same date as "PAL, DHARAM". Additionally, the "Declaration of Inventorship" filed with the PCT Application, PCT/ IN2003/ 000359, has also been signed as "Dharam Pal" on November 12, 2003. The Examiner believes the inventor's name to be "Dharam Pal" and requests the Applicant to provide clarification and amend the Oath signed on March 12, 2005 and filed on April 8, 2005 accordingly.

Appropriate correction is required.

Foreign Priority Claim Objections

4. Acknowledgment is made of the Applicant's claim for foreign priority based on an application filed in Singapore on November 18, 2002 and a PCT filed in India on November 17, 2003, which is the basis for their 371 application in US. It is noted, however, that the Applicant has not filed a certified copy of Singapore patent application 200206971-4, with a certified translation, if appropriate, as required by 35 USC 119(b), where the foreign application was not filed in English. Please provide a copy of the certified foreign application filed in Singapore in November 2002, including translation, if appropriate, because the Examiner is unable to verify the priority date claimed by the Applicant. Examiner notes that the Oath filed by the Applicant acknowledges that "NO" "Certified Copy (is) Attached" of either "Prior Foreign Application" referenced in the Oath under 35USC 119(a)-(d).

Appropriate correction is required.

Specification Objections

5. The disclosure is objected to because of the following informalities:
the foreign application priority claim data is missing from the first page of the Specification, i.e., two patent applications filed by the Applicant in India or Singapore are not cited as required by 35 USC 119. If the Applicant desires to claim the benefit of a prior-filed foreign application under 35 USC 119, a specific reference to the prior-filed foreign application in compliance with 37 CFR 1.78(a) must be included in the first sentence(s) of the Specification following the title or in an application data sheet. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications.

If the instant application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a

failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37

CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11. (emphasis added here for *pro-se* Applicant)

Appropriate correction is required, i.e., please cite the original patent application numbers filed in India and Singapore in the Specification.

6. The Specification also needs to be updated with respect to including a paragraph, 'Cross-Reference to Related Applications', to show many co-pending applications --- which were not identified initially, even though these were filed prior to the instant application (for example, #10/530,670) and the update should include currently co-pending applications also filed simultaneously with the instant application (for example, #10/530,806) by the same Applicant/ Inventor, "Dharam Pal".

Appropriate corrections are required by the Applicant as noted above.

Abstract Objections

The Abstract of the disclosure is objected to because it is of undue length exceeding 150 words and more than 15 lines. The Examiner notes that based on a word count done using Word software, the instant Abstract has more than two hundred and twenty (220) words in seventeen (17) lines.

Appropriate Correction is required. See MPEP § 608.01(b).

Claim Objections

7. Claims 1-13 are objected to because of the following informalities: All claims must start out with the language "I claim" according to MPEP 608.01 (m),

and the dependent claims should be a separate clause after dependency claim, i.e., insert a comma after 'according to claim 1/2/..5/9/...', etc. in all dependent claims (2-4 and 6-13). Also, independent Claim 1, as currently recited, ends with a comma, which needs to be replaced with a full-stop/ period.

Appropriate correction is required.

8. Claims 8 and 9 are objected to under 37 CFR 1.75(c) as being in improper form, because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, these claims have not been further treated on the merits.

9. Claims 9 and 10 are also objected to for having a period (full-stop) and then a new sentence within these claim, and Examiner recommends a semi-colon instead of the period, and the Examiner has read it as such.

Appropriate correction is required.

10. Claim 12 is objected to under 37 CFR 1.75(c) as being in improper form, because a multiple dependent claim should refer to other claims in the alternative only and a multiple dependent claim cannot depend from any other multiple dependent claim (like Claim 9). See MPEP § 608.01(n). Accordingly, this claim has not been further treated on the merits.

Appropriate correction is required.

Double Patenting

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as

to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of application no. 10/530806. Although the conflicting claims are not identical, they are not patentably distinct from each other, because they both provide similar online payment or credit systems.

Claims 1-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of application no. 10/530670. Although the conflicting claims are not identical, they are not patentably distinct from each other, because they both provide similar online systems for merchandising/ trading.

This is a provisional obviousness-type double patenting rejection, because the conflicting claims have not in fact been patented. Please file the disclaimers for the above mentioned patent applications.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-13, as best understood by the examiner, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase/term "System Administrator"/"Administrator" recited in independent Claims 1 and 5 is vague and the Examiner asks the Applicants to clarify what type of entity it is in their reply, whether it is a human being or a computer (machine), and amend the requisite claims appropriately.

Examiner notes that the Specification can be used as a dictionary to learn the meaning of a term in the patent claim. *Toro Co. v. White Consol. Indus., Inc.*, 199 F.3d 1295, 1299, 53 USPQ2d 1065, 1067 (Fed. Cir. 1999) ("[W]ords in

patent claims are given their ordinary meaning in the usage of the field of the invention, unless the text of the patent makes clear that a word was used with a special meaning."); *Renishaw PLC v. Marposs Societa' per Azioni*, 158 F.3d 1243, 1250, 48 USPQ2d 1117, 1122 (Fed. Cir. 1998) ("Where there are several common meanings for a claim term, the patent disclosure serves to point away from the improper meanings and toward the proper meanings."). See also MPEP § 2111.01.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, as best understood by the Examiner, are rejected under 35 USC 103(a) as being unpatentable over US Patent No. 6,609,113 issued to O'Leary et al. claiming priority from May 3, 1999 and titled: "Method and System for Processing Internet Payments using the Electronic Funds Transfer Network" (hereinafter "O'Leary") in view of Publication No. US 2001/0032139 filed by Allison P. Debonnett, JR. claiming priority from December 3, 1999 and titled: "Cybermoney Network: A Seamless Internet Commercial and Investment Bank

Account Connectivity Interface for Payment and Settlement of Goods and Services Purchased via the Internet" (hereinafter "Debonnett").

With respect to Claim 1, O'Leary teaches "An on-line payment System which includes as participants a System Administrator, Members, Merchants and Subscribers/Non-Subscribers (purchasers), characterized in that as a) System Administrator may or may not be a banking/financial institution; System Administrator guarantees payment to Merchants and charges the Members for purchases made by its Subscribers, b) One set of participating purchasers are Subscribers who subscribe to one or more Members, c) Another set of participating purchasers are Non-Subscribers who are not affiliated to any Member; they participate in the System by purchasing pre-paid perforated covers from a Member/Administrator containing user ID/password for a particular denomination; they would usually carryout low value transactions, d) Merchants are vendors of goods and services with an online store; they guarantee delivery of goods and/or services to purchaser (Subscribers) and charge the System Administrator for the value of all purchases made by Subscribers, e) Members may or may not be banking/financial institutions i.e. banks, credit card companies, schools, employers, clubs etc; Members guarantee payment to the System Administrator and have in place their own arrangements with their subscribing purchasers to recover money or moneys worth in exchange for the payments they make on behalf of Subscribers to the System Administrator, f) A Merchant can also be a Subscriber thus enabling him to make payment too,

apart from receiving, to other Subscribers or Merchants.” (see O’Leary

Abstract and Summary, and FIGs. 2 to 8 and their text)

Examiner notes that per the teachings of O’Leary, the Payment Portal Processor (PPP) is very similar in its functionality to the claimed System Administrator, even though it may not be a one-to-one correspondence exactly in all scenarios.

Based on these similarities, Examiner notes that O’Leary teaches that PPP “provides the user with a form of virtual cash that is secure and guaranteed.”

(see O’Leary Summary, esp. C5, ~L 22-24)

O’Leary teaches as disclosed above, but it does not explicitly teach about ‘member(s)’, and Debonnett teaches it. (see Debonnett Summary and paras [0015]-[0016] and [0030]-[0032])

It would have been obvious to an ordinary person of skill in the art at the time invention was made to modify the teachings of O’Leary with those of Debonnett about ‘member(s)’. The motivation to combine these references would be to provide a quick system and method for speedy processing of electronic payments transmitted on a network/Internet that can allow the equipment and process to be more productive and efficient in processing and transmitting these payments on the Internet without the need of a credit/debit card always, and thus enhance the throughput of the system.

With respect to Claim 2, O’Leary teaches “wherein said System Administrator maintains a database of Subscribers, Members and Merchants, wherein each Subscriber is issued a System identifier (TOP ID) which is held by the Administrator and which must be provided along with password to Merchants, for low value transactions, when making a purchase and wherein during each online purchase transaction the Merchant forwards the Subscriber’s TOP ID/password

to the Administrator for validation and allows the purchase transaction to be concluded only if validation is received back from the Administrator.” (see O’Leary Abstract and Summary, and FIGs. 2 to 8 and their text)

O’Leary teaches as disclosed above, but it does not explicitly teach about ‘member(s)’, and Debonnett teaches it. (see Debonnett Summary and paras [0015]-[0016] and [0030]-[0032])

It would have been obvious to an ordinary person of skill in the art at the time invention was made to modify the teachings of O’Leary with those of Debonnett about ‘member(s)’. The motivation to combine these references would be to provide a quick system and method for speedy processing of electronic payments transmitted on a network/Internet that can allow the equipment and process to be more productive and efficient in processing and transmitting these payments on the Internet without the need of a credit/debit card always, and thus enhance the throughput of the system.

With respect to Claim 3, O’Leary teaches “wherein a purchase limit is set on the value of purchases a Subscriber may make, wherein during each online purchase transaction a) the Merchant additionally forwards the transaction value to the Administrator, b) Subscriber’s purchase limit is determined by mutual agreement between a Subscriber and the Member, c) the Administrator checks that the total of the unpaid transactions in the account of that Subscriber (including the present transaction) does not exceed said limit, and if not, provides the Merchant with a further transaction validation allowing the purchase transaction to be concluded.” (see O’Leary Abstract and Summary, and FIGs. 2 to 8 and their text)

O’Leary teaches as disclosed above, but it does not explicitly teach about ‘member(s)’, and Debonnett teaches it. (see Debonnett Summary and paras [0015]-[0016] and [0030]-[0032])

It would have been obvious to an ordinary person of skill in the art at the time invention was made to modify the teachings of O'Leary with those of Debonnett about 'member(s)'. The motivation to combine these references would be to provide a quick system and method for speedy processing of electronic payments transmitted on a network/Internet that can allow the equipment and process to be more productive and efficient in processing and transmitting these payments on the Internet without the need of a credit/debit card always, and thus enhance the throughput of the system.

With respect to Claim 4, O'Leary teaches "wherein the delivery address for the purchase of a Subscriber is preset and during each online purchase transaction where the Subscriber desires the delivery address to be other than the pre-set delivery address, the Subscriber provides to the Merchant an additional password, and the Merchant forwards the additional password to the Administrator for validation and the Merchant will dispatch the goods to other than said pre-set delivery address only if validation is received back from the Administrator." (see O'Leary Abstract and Summary, and FIGs. 2 to 8 and their text)

With respect to Claim 5, O'Leary teaches "A payment system for online purchases which includes as participants a System Administrator, Member, Merchant and Subscribers/Non-Subscribers, comprising a) Merchant's web servers, each capable of accepting online purchase orders, b) internet devices to which all parties to the System have access, c) an Administrator server connected online which holds a database of Members and their Subscribers, d) said Merchant's web servers being programmed to transmit purchase charge data to said Administrator server after accepted purchase orders are made by a

participating Subscriber, e) said Administrator's server being programmed to periodically send purchase charge data to Members in respect of purchasers who are Subscribers of those Members, f) and means enabling said Members to remit payment for said purchases to said Administrator. (see O'Leary Abstract and Summary, and FIGs. 2 to 8 and their text)

Examiner notes that per the teachings of O'Leary, the Payment Portal Processor (PPP) is very similar in its functionality to the claimed System Administrator, even though it may not be a one-to-one correspondence exactly in all scenarios.

Based on these similarities, Examiner notes that O'Leary teaches that PPP "provides the user with a form of virtual cash that is secure and guaranteed." (see O'Leary Summary, esp. C5, ~L 22-24)

O'Leary teaches as disclosed above, but it does not explicitly teach about 'member(s)', and Debonnett teaches it. (see Debonnett Summary and paras [0015]-[0016] and [0030]-[0032])

It would have been obvious to an ordinary person of skill in the art at the time invention was made to modify the teachings of O'Leary with those of Debonnett about 'member(s)'. The motivation to combine these references would be to provide a quick system and method for speedy processing of electronic payments transmitted on a network/Internet that can allow the equipment and process to be more productive and efficient in processing and transmitting these payments on the Internet without the need of a credit/debit card always, and thus enhance the throughput of the system.

With respect to Claim 6, O'Leary teaches "wherein each subscribing purchaser has a System identifier (TOP ID), said Administrator's database stores Subscribers' TOP IDs and passwords, said Merchant's web server being

programmed to interrogate said Administrator's server which is programmed to check its database for a match between the Subscriber entered' TOP ID/password and the database and respond to said Merchant's server with a purchase validation message if a match is found, or respond with a purchase denied message if no match is found." (see O'Leary Abstract and Summary, and FIGs. 2 to 8 and their text)

With respect to Claim 7, O'Leary teaches "wherein said Administrator server is programmed to accumulate the value of each purchase made by a Subscriber held in the database and store the same in" a Subscriber's account, a predetermined purchase value limit is stored for each Subscriber, and wherein the Administrator server is programmed to check the database to verify that the total of unpaid transactions in the account of that Subscriber (including the current transaction) does not exceed said limit, and if not, to transmit to the Merchant's server a validation message enabling the purchase transaction to be concluded, and if said limit is exceeded to transmit to the vendor server a purchase denied message." (see O'Leary Abstract and Summary, and FIGs. 2 to 8 and their text)

With respect to Claim 8, O'Leary teaches "wherein said Administrator database stores Subscribers' preset delivery address and a change of delivery address additional passwords, said Merchant's web server is programmed to receive a purported change of delivery address additional password, interrogate said

Administrator's server, and said Administrator server is programmed to check its database for a match between said purported change of delivery address additional password and the additional password in said database and respond to said Merchant server with a change of delivery address validation message if a match is found or respond with a change of delivery address denied message of no match found." (see O'Leary Abstract and Summary, and FIGs. 2 to 8 and their text)

With respect to Claim 9, O'Leary teaches "wherein for large value transactions a Subscriber nominates various signatories with varying signing power amounts and also designates combinations of signatories that are required to complete a particular online payment transaction within the System; the said System Administrator maintains a database of Subscribers' multiple signatories, their various combinations thereof, for large value transactions, wherein each signatory of the Subscriber has a System identifier (TOP ID), signing power amount, password, name etc." (see O'Leary Abstract and Summary, and FIGs. 2 to 8 and their text)

With respect to Claim 10, O'Leary teaches "wherein for large value transactions a Subscriber upon electing to purchase or to make payment to another Subscriber/Merchant shall provide one or more of his signatories' TOP ID, in conformity with predetermined signing arrangement, at Merchant's web site; each signatory to the Subscriber shall do so separately if multiple signatories are

required to complete the transaction, thereafter Merchant shall forward the TOP ID and a sales transaction reference number to Administrator's server; thereafter Administrator's server shall pop out a new window carrying that signatory's TOP ID and sales transaction reference number, the window shall prompt the signatory to provide his password and name etc.; upon receipt of said information from signatory/signatories, Administrator's server matches the information with the information in its database and advises accordingly to the Merchant whether the transaction is approved or not approved." (see O'Leary Abstract and Summary, and FIGs. 2 to 8 and their text)

With respect to Claim 11, O'Leary teaches "wherein there are multiple signatories to a large value transaction the System Administrator shall use different servers for authenticating different level of signatories to a Subscriber; for instance A level signatory's sign-in information is received and authenticated at server A and B level signatory's sign-in information is received and authenticated at server B and so forth; each of these servers separately conveys to the Merchant's server about approval or non-approval of that particular signatory's sign-in; thus making it almost fully hacker proof at System Administrator's end as no single server would have the sign-in information for all the signatories to a particular payment transaction of a Subscriber." (see O'Leary Abstract and Summary, and FIGs. 2 to 8 and their text)

With respect to Claim 12, O'Leary teaches "wherein Subscriber and its

signatory/signatories shall be able to make online payment to other Subscriber and Merchants from System Administrator's web site also in circumstances where they do not need to provide underlying sales transaction reference number or there is no underlying purchase by Subscribers." (see O'Leary Abstract and Summary, and FIGs. 2 to 8 and their text)

With respect to Claim 13, O'Leary teaches "wherein Subscribers/Non-Subscribers to the System shall be able to make payment to a Merchant for their off-line purchases too, provided the Merchant makes available internet access to the shopper at its store." (see O'Leary Abstract and Summary, and FIGs. 2 to 8 and their text)

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure is:

1. US Patent No. 6,292,789 issued to Daniel Schutzer and titled:
"Method and System for Bill Presentment and Payment"
claiming priority from August 26, 1997.
2. Pub. No. US 2003/ 0023549 filed by Armes et al. claiming
priority from June 27, 2001 and titled: "Consolidated Payment
Account System and Method".

3. Pub. No. US 2002/ 0035539 filed by Richard O'Connell claiming priority from July 17, 2000 and titled: "System and Methods of Validating an Authorized User of a Payment Card and Authorization of a Payment Card Transaction".
4. Pub. No. US 2003/ 0069792 filed by Henrik Bluementhal claiming priority from January 24, 2000 and titled: "System and Method for Effecting Secure Online Payment Using a Client Payment Card".
5. US Patent No. 5,878,141 issued to Daly et al. and titled: "Computerized Purchasing System and Method for Mediating Purchase Transactions over an Interactive Network" filed on August 25, 1995.
6. US Patent No. 6,856,975 issued to Frank Inglis and titled: "System, Method, and Article of Manufacture for Secure Transactions Utilizing a Computer Network" filed on March 30, 2000.
7. Pub. No. US 2002/ 0077993 filed by Immonen et al. filed on December 18, 2000 and titled: "Method and System for Conducting Wireless Payments".

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanjeev Malhotra whose telephone number is 571-272-7292. The examiner can normally be reached on Flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


16. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully

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consider the references in entirety as potentially teaching all or part of the
claimed invention, as well as the context of the passage as taught by the prior art
or disclosed by the examiner.

SM
November 7, 2007



James P. Trammell, SPE
Supervisory Patent Examiner